

**Sussex County Agriculture Development Board**

**Right to Farm Resolution**

**Recommending Site Specific Agriculture Management Practice  
For 56 & 58 Sunset Inn Road, Township of Lafayette**

**Dated: September 19, 2016**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee regulations N.J.A.C. 2:76-2.3, a commercial farm owner or operator may make a request to the Sussex County Agriculture Development Board (hereinafter "SCADB" or "Board") to determine if his or her operation constitutes a generally accepted management practice; and

WHEREAS, 56 & 58 Sunset Inn Road, LLC ("Applicant") is the sole owner of the Property commonly known as 56 Sunset Inn Road, Lafayette (Tax Lots 18 & 18.03, Block 9) as shown in the tax records; and

WHEREAS, 56 & 58 Sunset Inn Road, LLC applied to the SCADB for site specific agriculture management practice ("SSAMP") to construct an addition on an existing structure, including twenty-five (25) space parking area and other related site improvements, for use as an on-farm direct marketing facility on Lot 18.03, Block 9 as shown on the Lafayette Township tax map (attached hereto and made a part hereof.); and

WHEREAS, the Applicant submitted a "Project Compliance with N.J.A.C. 2:76-2A-13 Agriculture Management Practices for On-Farm Marketing Facilities – Proposed Farm Market Report," (as attached hereto and made a part hereof) and "Site Plan for Farm Market, 9 attached hereto and made a part hereof), both dated June 9, 2016 and prepared by Dykstra Associates, PC; and

WHEREAS, the Applicant's property has been a farm for over eighty (80) years, if not longer, and is located in an area, which as of December 31, 1997, permits agriculture has a principle use under the municipal zoning ordinance; and

WHEREAS, on February 15, 2016, the SCADB determined that 56 & 58 Sunset Inn Road, LLC operates a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 and that they are engaged in a generally accepted agricultural operation or practice pursuant to N.J.A.C. 2:76-2A-13; and

WHEREAS, 56 & 58 Sunset Inn Road, LLC complied with the notice provisions of N.J.A.C. 2:76-2.1 et. seq. and submitted proof of same to the Board, and attached hereto and made a part hereof; and

WHEREAS, the Board held a public hearing on May 16, 2016 and June 20, 2016, in accordance with N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and

WHEREAS, the Applicant was represented by Ms. Debra Nicholson, Esq., Jason Dunn, P.P., LLA, and Owen Dykstra, P.E., who provided sworn testimony, regarding the commercial farming operation; and

WHEREAS, the Applicant's professionals described the nature of the proposed on-farm direct marketing facilities on the Properties as a way to market and promote its agricultural output, as follows:

- A 1,600 SF (square foot) addition to existing 1,250 SF building and convert to a farm market
- 800 SF seasonal display near the eastern area of property for showcasing agricultural products
- Utilize 7400 SF of outdoor area for agricultural/horticultural merchandise including annuals and perennials and seasonal items.
- 2,835 SF of building will be devoted to agricultural retail marketing – indoor market to sell baked goods, meats, cheese, and additional value added products made from applicant's agricultural output as well as supplementary items including sandwiches and soups, made with additional outside items but derived from their farm's food products.
- 1,250 SF of building utilized for food prep area & storage
- 10,000 SF to the rear of Lot 18.03, near its border with Lot 18 will be used for an activity area including 6 picnic tables
- Porch will have approximately six (6) tables for customer use. Tables will not be used to serve customers, but for consumption
- Prepare and package agricultural output into value added products
- 29.25 SF freestanding sign, externally illuminated and eleven (11) feet in height.
- 25 space parking area including one(1) ADA compliant space

WHEREAS, the Applicant and their professionals described the nature of the proposed on-farm direct marketing activities on the Properties to market and promote its agricultural output and are as follows:

- Farm animals
- Cheese making demonstrations
- Seasonal agricultural related educational activities and classes, once per month
- Seasonal farm-to-table cooking classes, once per month

WHEREAS, the Applicant's planner, Jason Dunn, P.P., L.L.A., testified that the on-farm direct marketing structure does not meet the front and side yard structure or parking area requirements provided in N.J.A.C. 2:76-2A-13 and further testified that conforming to the standards would require demolishing the existing structure, built in 1890, and would remove land currently in agricultural production; and

WHEREAS, Mr. Dunn also stated that the farm management unit includes both Lot 18 and Lot 18.03, and there are sufficient buffers between Lots 18.03 and 18 and the neighboring properties. The nearest neighbor is approximately 300 feet from the farm market site. He further provided that the proposed landscaping and existing vegetation between the site and neighboring properties will provide sufficient screening; and

WHEREAS, Mr. Dunn, on behalf of the applicant, further testified to the following:

- The parking area will be constructed with gravel,
- Ingress is provided by the existing southern access and egress provided by existing northern access.
- Both access ways were given County Planning Board approval in 2014 along with a 35-foot curb radii, and minimum sight distances.
- Applicant will provide AASHTO sight distance triangles or line of sight on revised plans. While County Planning Board approval was for a 50-seat farm to table restaurant the proposed farm market is less intense use and daily trips will be spread out, rather than typical restaurant peak hours.
- Hours of Operation will be Monday – Sunday, 6AM – 10PM, generally. On occasion they will be extended to 11PM.
- Fourteen (14) tall ornamental pole lights are proposed throughout the site. The light poles are downward focused, dark sky compliant, and meet the minimum standards of the IAP manual as well as the AMP standards. Lights will be extinguished by 10PM, except for some security lighting near building.
- Trash containers will be located in the northern corner of the parking area. Containers will be steel, bear-proof dumpsters. Regular service will be provided by a private garbage removal facility.
- The applicant received DEP approval in 2014 to construct facility, attached hereto and made a part hereof.
- Should the applicant decide to have larger events, applicant will submit an event management plan and comply with standards in AMP.
- Septic and well are proposed for the site and the applicant will have sanitary facilities in compliance with any State or Local health regulations.
- Facility will conform to all health and safety regulations as required.
- Fields on Lot 18 will not be accessible for general public and will be used for applicant's agricultural production.
- Applicant will comply with Soil Erosion and Sediment Control Act and will apply to the Sussex County Soil Conservation District
- Applicant will submit revised plans showing sight distance triangles or line of sight in conformance with AASHTO standards.
- Applicant will comply with the technical report from the 2013 Planning Board Approval.
- Obtain any Road Opening or Access Permits, as necessary, and issued by the County's Department of Engineering & Planning.

WHEREAS, the meeting was opened to the public and no comments were received at the meeting or submitted prior to the meeting; and

WHEREAS, the Township of Lafayette Clerk and Land Use Board were noticed of said application in accordance with the regulations, were provided the application materials, and had no input on the aforementioned application; and

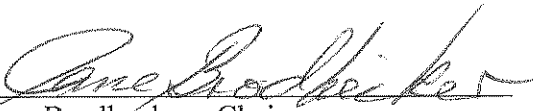
WHEREAS, the Board having reviewed the Memorandum prepared by Autumn Sylvester, Program Manager for the SCADB and Memorandum prepared by William Koppelaar, P.E., County Engineer, copies of which are attached hereto and made a part hereof, and

NOW THEREFORE IT BE RESOLVED, based on the evidence and testimony presented before the Board through the application, plans, reports, and testimony at the aforesaid hearing described above, the Board finds as follows:

1. That 56 & 58 Sunset Inn Road, LLC, operate a commercial farm in accordance with the requirements of N.J.S.A. 4:1C-9 as determined by the Board at their January 20, 2016 meeting.
2. That 56 & 58 Sunset Inn Road, LLC satisfies the Right to Farm income criteria based on the submitted documentation, attached hereto and made a part hereof.
3. That in granting the applicant's request, the SCADB has sought and balanced the legitimate interests of the local government, members of the public, as well as the impact of the proposal set forth, with any impact to the public health and safety.
4. That all interests and testimony as presented has been evaluated and analyzed in consideration to the distance between the subject property and adjacent properties; the buffer provided from the proposed landscaping & vegetation; the nature, scale, & intensity of the proposed use; and the economic hardship that would result from constructing a new facility and that there is a sufficient buffer between the proposed use and adjoining properties.
5. That constructing a new facility would result in a loss of land used for agricultural production and would have a negative impact on the agricultural operation's use of that land satisfies legitimate farm-based reasons for the departure from NJAC 2:76-2a.13(i).
6. The applicant's proposal constitutes a "generally accepted agricultural operation and practice," and further finds that the SSAMP approval is predicated on the conditions outlined above and shall conform to all health and State regulations.

BE IT FURTHER RESOLVED that the Board shall forward a copy of this resolution as its written recommendation of this site specific agriculture management practice to the State Agriculture Development Committee, the Township of Lafayette, and 56 & 58 Sunset Inn Road, LLC

Certified as a true copy of the  
Resolution adopted by the Sussex  
County Agriculture Development  
Board on the 19<sup>th</sup> day of September 2016.

  
Jane Brodhecker, Chairperson  
Sussex County Agriculture Development Board

Approved: June 20, 2016  
Memorialized: September 19, 2016